IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 28413 of 2007(G)

PETITIONER:

LEENA SOMAN,
S.N. TIMBERS, MULAKKULAM NORTH P.O., PIRAVOM.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS:
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1. THE KERALA STATE POULTRY DEVELOPMENT CORPORATION LTD., REP. BY ITS MANAGING DIRECTOR, PETTAH JUNCTION, THIRUVANANTHAPURAM-695 024.

2. PROGRAMME CO-ORDINATOR, SGSY (SPECIAL) CENTRAL REGION,KERALA STATE POULTRY DEVELOPMENT CORPORATION LTD., PATTAH, THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.28413/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: A TRUE COPY OF THE AGREEMENT DT.5.6.06 EXECUTED BETWEEN THE 1ST RESPONDENT.

EXT.P2: A TRUE COPY OF THE TENDER NOTICE DT.1.9.07.

EXT.P3: A TRUE COPY OF THE SUPPLY ORDER DT.20.9.07.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 28413 OF 2007
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Dated this the 3rd day of October, 2007

J U D G M E N T

Petitioner has filed this writ petition praying for quashing further proceedings pursuant to Exhibit P2 and to direct that she is entitled to supply the specified quantity of poultry cages. It is the petitioner's contention that time was not the essence of Ext.P1 contract and that even after the expiry of the period, petitioner has supplied poultry cages. According to the petitioner, it was in the meanwhile that tender notice was issued by Ext.P2. Thus, what the petitioner in essence wants is continuation of Ext.P1 contract. Although petitioner has not made out a case for interference on merit with the decision of the 1st respondent, the standing counsel for the 1st respondent has today submitted before me that the 1st respondent has decided to extend the period of Ext.P1 contract by further three months and that a Board order in this regard has already been issued. It is thereafter that Ext.P3 order has been placed on the petitioner for

supply of 800 cages. Thus, though I am not satisfied that the decision to invite fresh tenders calls for any interference in this writ petition, I record the submission of the learned counsel for the 1st respondent that the period of Ext.P1 has been extended by three months.

Recording the above submission, the writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp